

NO. 2008-CI-17878

ROYCHESTER ARMELIN

§ IN THE DISTRICT COURT

§ § 45<sup>th</sup> JUDICIAL DISTRICT

§ § BEXAR COUNTY, TEXAS

vs. /o  
CITY OF SAN ANTONIO, JOHN  
DOE 1, JOHN DOE 2, JOHN DOE 3,  
VIA Metropolitan Transit, John Doe 4

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08 NOV 2008  
2008 DEC - 3 PM 3:19  
CITY OF SAN ANTONIO  
CITY CLERK

PLAINTIFF'S AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

PARTIES

Plaintiff Roychester Armelin is a resident of the City of San Antonio, Bexar County, Texas.

Defendant City of San Antonio Texas is a unit of local government situated in Bexar County, Texas, and organized and operating under the Constitution and laws of the state of Texas, and may be served with process by serving Leticia M. Vacek, TRMC, CMC, City Clerk, City of San Antonio, P.O. Box 839966, San Antonio TX 78283-3966. Defendants John Doe 1, 2 and 3 are officers of the San Antonio Police Department and other entities involved in the wrongful arrest of Roychester Armelin. VIA Metropolitan Transit is VIA is a metropolitan transit authority created according to Article 1118x of the Texas civil statutes (superseded by Chapter 451 Texas Transportation Code), and may be served by and through John Milam, 800 W. Myrtle, San Antonio, Texas 78212.. John Doe 4 is the VIA agent/employee instrumental in the wrongful arrest of Roychester Armelin.

NATURE OF SUIT

EXHIBIT A

This is a suit for damages under 42 U.S.C Section 1983. Plaintiff also seeks a declaratory judgment arising out of certain conduct of certain of the Defendants acting, at all times relevant hereto, under color of state law, and which conduct was committed by the Defendant in individual capacities and official capacities as employees of the Defendant City.

#### VENUE

The subject matter of this suit arose in Bexar County. The acts upon which plaintiff sue occurred in Bexar County, Texas.

#### FACTS

On or about January 6, 2006, plaintiff was riding in as a passenger in an automobile with 3 other persons, when they were stopped by the San Antonio Police Department. At the time of the stop, a VIA metropolitan supervisor drove up and exited his vehicle. After the police had briefly questioned the persons occupying the vehicle in which plaintiff was a passenger, plaintiff produced his identification to the officers. Plaintiff was informed they would be allowed to go as soon as plaintiffs police check came out "clear". After the police check showed plaintiff to be "clear" of any problems which would require police detention or action of any kind, the VIA supervisor with no reason or justification persuaded and caused the police to arrest plaintiff, insisting that plaintiff was intending to commit a crime. Defendant was arrested without probable cause in San Antonio, Bexar County, Texas, through joint actions of officers of the San Antonio Police Department and a supervisor of VIA Metropolitan Transit. On July 31, 2007, plaintiff was released on the date of his trial, as the State announced there was no evidence against plaintiff which would support the charges against him.

2008 DEP -3 PH 3:19  
RECEIVED  
CLERK OF THE  
CITY OF SAN ANTONIO  
BY MAIL OR COURIER

**DEFENDANT'S UNLAWFUL CONDUCT**

Plaintiff alleges and would show the Court that as a direct and proximate result of the above and forgoing conduct committed by defendants, plaintiff served over 500 days in jail awaiting trial.

Plaintiff alleges and would show the Court that the above and foregoing described conduct by defendants constitutes a violation of Plaintiff's rights under the Fourteenth Amendment to due process of law and in violation of the Constitution of the State of Texas, for which he seeks monetary compensation.

DE-3  
CIVIL  
PLAINTANTONIA  
6:3:19

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that after trial of this cause, Plaintiffs have and recover judgment against Defendants:

.Actual damages for mental anguish and emotional pain and suffering, and loss of liberty and opportunity sustained by plaintiff on account of the conduct of the Defendants in the amount of one million dollars.

Costs of Court, including reasonable attorneys' fees as provided by 42 USC § 2000e-5(k).

For such other and further relief as the Plaintiff may show himself to be justly entitled in law or in equity.

Respectfully submitted,

By:   
Bernard Buecker, Texas Bar No.03314500  
1220 Tower Life Bldg.  
310 S. St. Mary's Street  
San Antonio, Texas 78205  
Tel. (210)226-1788 Fax. (210)226-2065  
Attorney for Plaintiff



PRIVATE PROCESS

"The State of Texas"

NO. 2008-CI-17878

ROYCHESTER ARMELIN

Plaintiff  
vs.

CITY OF SAN ANTONIO TEXAS ET AL

Defendant

( Note: Attached Document May Contain Additional Litigants. )

IN THE DISTRICT COURT  
45th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

2008 DEC - 3 PH 3:1  
RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK

## NOTICE

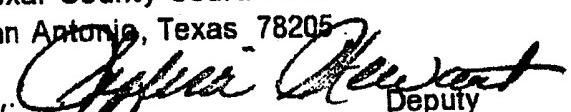
Citation Directed to: CITY OF SAN ANTONIO TEXAS  
BY SERVING LETICIA M VACEK, TRMC CMC CITY CLERK

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 21st day of November, 2008.  
 ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 21st DAY OF November  
 A.D., 2008.

AMENDED ORIGINAL  
PETITION

BERNARD JOHN BUECKER

Attorney/PLAINTIFF  
address 310 S ST MARYS ST 1220  
SAN ANTONIO, TX 78205-3126

MARGARET G. MONTEMAYOR  
 District Clerk of Bexar County, Texas  
 Bexar County Courthouse  
 San Antonio, Texas 78205  
 By:   
 SYLVIA STEWART Deputy

## OFFICER'S RETURN

Came to hand 26 day of November, A.D. 2008, at 4:00 o'clock P.M.  
 and executed (not executed) the 2 day of December, A.D. 2008, in San Antonio, TX, through Assistant City Clerk  
 at 100 Military by delivering to City of San Antonio through Assistant City Clerk  
 in person a true copy of this citation together with the accompanying copy of plaintiff's  
 petition. Served at 100 Military Metinda Lopez Urges  
 Cause of failure to execute this citation \_\_\_\_\_

I traveled \_\_\_\_\_ miles in the execution of this citation. Fees: \_\_\_\_\_  
 \$ \_\_\_\_\_ Mileage \_\_\_\_\_ Total \$ \_\_\_\_\_

Serving citation

Badge/PPS # \_\_\_\_\_ County, Texas

By \_\_\_\_\_

The State of Texas

## NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)  
 SWORN TO this \_\_\_\_\_ day of \_\_\_\_\_,

NOTARY PUBLIC, STATE OF TEXAS

ORIGINAL  
(DK002)

PRIVATE PROCESS

"The State of Texas"

NO. 2008-CI-17878

ROYCHESTER ARMELIN  
Plaintiff  
vs.

CITY OF SAN ANTONIO TEXAS ET AL  
Defendant  
( Note: Attached Document May Contain Additional Litigants. )

IN THE DISTRICT COURT  
45th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK  
2008 DEC - 3 PM 3:14

## NOTICE

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BY SERVING LETICIA M VACEK, TRMC CMC CITY CLERK

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 21st day of November, 2008.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 21st DAY OF November A.D., 2008.

AMENDED ORIGINAL  
PETITION



MARGARET G. MONTEMAYOR  
District Clerk of Bexar County, Texas  
Bexar County Courthouse  
San Antonio, Texas 78205

By: Sylvia Stewart Deputy  
SYLVIA STEWART

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Badge/PPS # \_\_\_\_\_

County, Texas

By \_\_\_\_\_

The State of Texas

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SWORN TO this \_\_\_\_\_ day of \_\_\_\_\_,

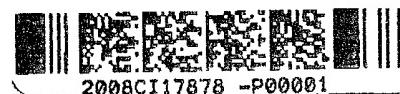
NOTARY PUBLIC, STATE OF TEXAS



ORIGINAL  
(DK002)

2008 CI 17878

NO.



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IN THE DISTRICT COURT

vs.

JUDICIAL DISTRICT  
45TH  
BEXAR COUNTY, TEXAS

CITY OF SAN ANTONIO, JOHN  
DOE 1, JOHN DOE 2, JOHN DOE 3,  
VIA Metropolitan Transit, John Doe 4

TO THE HONORABLE JUDGE OF SAID COURT:

CR<sup>T</sup>  
PROCESS DEPT

Original Petition

PARTIES

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#### **PRAYER**

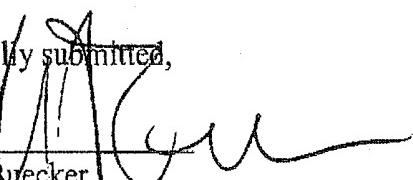
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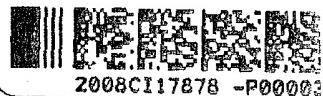
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Respectfully submitted,

By:   
Bernard Buecker  
Texas Bar No.03314500  
1220 Tower Life Bldg.  
310 S. St. Mary's Street



**MARGARET G. MONTEMAYOR  
BEXAR COUNTY DISTRICT CLERK**

**REQUEST FOR PROCESS**

Cause No. 2008-CI-17878

Style: Raylene Anselm Court 45th  
vs. \_\_\_\_\_ Date Dec 21-08

Request the following process:

Citation  Notice  Precept  Temp. Rest. Order

Subpoena  Subpoena D.T.  (Describe Duces Tecum on Reverse)

Temp. Protective Order  Notice on Temp Protective Order

Other \_\_\_\_\_

Information for Subpoena: Date \_\_\_\_\_ Time \_\_\_\_\_ Court \_\_\_\_\_

Parties to be served (PLEASE TYPE OR PRINT)

1. Name Sethia M. Vacek

Registered Agent: \_\_\_\_\_

Address City Clerk City of San Antonio Type\* PHS  
P.O. Box 834966 Customer # 182833466 PHS

2. Name \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

3. Name \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

4. Name \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

5. Name \_\_\_\_\_

Registered Agent: \_\_\_\_\_

Address \_\_\_\_\_ Type\* \_\_\_\_\_

\*Type: Sheriff; Constable Pct. \_\_\_\_\_; Private Process; Certified Mail; Registered Mail; Out of County; Out of State; Secretary of State; Commissioner of Insurance;

Name and Address of Attorney: Sue Miller

310 S St Mary #1122

Attorney's Bar No. 033424

Name of witness: \_\_\_\_\_  
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

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Name of witness: \_\_\_\_\_  
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

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Name of witness: \_\_\_\_\_  
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

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Name of witness: \_\_\_\_\_  
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

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Name of witness: \_\_\_\_\_  
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